

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GATEGUARD, INC., :

Plaintiff, :

-v.- :

ABI GOLDENBERG et al., :

Defendant. :

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ORDER

20 Civ. 1609 (AJN) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE


Defendant has failed to respond to the application made by plaintiff in Docket # 75 by the deadline provided in paragraph 2.A of this Court's Individual Practices. Accordingly, the Court deems plaintiff's application unopposed. In addition, the Court finds the application meritorious inasmuch as it reflects numerous improper objections, statements and instructions not to answer by Shira Goldman Moyal during the deposition. Accordingly, the application for relief is granted. Defendants are directed to make defendant Abi Goldenberg available for an additional period of deposition of up to 3 hours. Plaintiff is also awarded its attorney's fees and expenses incurred in making the application pursuant to Fed. R. Civ. P. 30(d)(2) and Fed. R. Civ. P. 37(a)(5)(A). Plaintiff should first attempt to determine if defendant will agree on the amount. If no agreement is reached, plaintiff may present the application by letter attaching any summary of contemporaneous time records. Any opposition will be due two business days thereafter.

With respect to Docket #77, defendants' attorneys are directed to contact plaintiff's counsel immediately to arrange a time to confer. In addition, they shall file any response to this letter on or before November 18, 2021.

SO ORDERED.

Dated: November 17, 2021

New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge